



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.13530 of 2022

The New College
represented by its Secretary,
Mr.Elias Sait,
S/o.Mr.Jahangir Sait,
K28-S2 Firm Aayisha Apartments,
First Main Road, K Block, Anna Nagar East,
Chennai - 600 102.

... Petitioner

Vs.

1. The Director of Collegiate Education,
College Road,
Chennai - 600 006.

2. The Regional Joint Director Collegiate Education,
Chennai Region, Chennai.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, to issue Writ of Mandamus to direct the respondents to permit the petitioner college to fill up the sanctioned posts of 25 non-teaching staffs viz., Typist -1, Library Attender - 2, Office Assistants/Attenders - 8, Sweeper - 6, Scavenger - 1, Watchman - 1, Waterman - 2, Gardener - 2 and Marker - 2 in the sanctioned vacancies in petitioner's College in the light of the order of this Court made in W.P.(MD).No.1234 of 2014 dated 24.02.2015 in W.A.(MD).No.931 of 2018 dated 12.07.2018 which has been confirmed by the Hon'ble Apex Court in SLP.No.323 of 2019 dated 18.01.2019 by considering the proposal/Representation given by the petitioner college dated 11.04.2022 and to approve the said appointments.

For Petitioner : Mr.E.Martin Jaya Kumar

For Respondents: Mr.E.Veda Bagath Singh
Special Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



2.The petitioner herein had given a representation to the respondents on 11.04.2022 seeking to permit their college to fill up the sanctioned posts of 25 non-teaching staffs. Since the said representation was not considered, the present writ petition has been filed.

3.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4.In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 11.04.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

Dua/Pns

To

1. The Director of Collegiate Education,
College Road,
Chennai - 600 006.
2. The Regional Joint Director Collegiate Education,
Chennai Region, Chennai.

W.P.No.13531 of 2022

MT(CO)
CT/17/06/2022